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7 Attorneys for Defendant  
**ILLINOIS MUTUAL LIFE INSURANCE COMPANY**

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9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 FRANK LOWENBERG, individually and  
on behalf of all members of the public  
13 similarly situated,

14 Plaintiffs,

15 v.

16 ILLINOIS MUTUAL LIFE INSURANCE  
COMPANY, an Illinois corporation; and  
17 DOES 1-50, inclusive,

18 Defendants.  
19  
20  
21  
22

Case No.: 4:22-cv-05329-HSG

Assigned to the Hon. Haywood S.  
Gilliam, Jr.

**JOINT STIPULATION AND  
ORDER FOR VOLUNTARY  
DISMISSAL PURSUANT TO RULE  
41(a)(1)(A)(ii)**

Filing Date: September 20, 2022

1 Plaintiff Frank Lowenberg (“Plaintiff”) and Defendant Illinois Mutual Life  
 2 Insurance Company (“Illinois Mutual”), by and through their respective counsel of  
 3 record and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) hereby stipulate  
 4 to the dismissal of the action, including all claims and counterclaims stated herein against  
 5 all parties, with each party to bear its own attorney’s fees and costs.

6 The agreement to dismiss this case shall in no way have any effect upon the  
 7 disposition of the case entitled *Lowenberg v. Illinois Mutual Life Insurance Company*,  
 8 Case No. 4:21-cv-09739-HSG, filed in the Northern District of California.

9  
 10 DATED: May 25, 2023

KATHY J. HUANG  
 GILLIAN H. CLOW  
 BROOKE H. BOLENDER  
**ALSTON & BIRD LLP**

11  
 12 /s/ Gillian H. Clow

13  
 14 Gillian H. Clow  
 Attorneys for Defendant  
 15 **ILLINOIS MUTUAL LIFE INSURANCE**  
 16 **COMPANY**

17  
 18 Dated: May 25, 2023

**LAW OFFICES OF GARY C. CARLIN, APC**

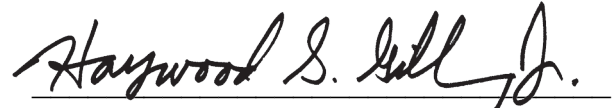
19 By /s/ Steven Berkowitz  
 20 Steven Berkowitz  
 Attorneys for Plaintiff  
 21 Frank Lowenberg

22  
 23  
 24 Attestation: I, Gillian H. Clow, hereby attest that I have received the consent of Steven  
 25 Berkowitz, counsel for Plaintiff, to file this document and that he concurs with this  
 26 document’s contents.  
 27  
 28

**ORDER**

The stipulation is approved. The entire action, including all claims and counterclaims stated herein against all parties, is hereby dismissed without prejudice.

Dated: May 26, 2023

  
The Hon. Haywood S. Gilliam  
United States District Judge